

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

**DEFENDANTS**

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation - Transfer    ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

MARK LAWSON	:	CIVIL ACTION
	:	
v.	:	
	:	NO.
CVS PHARMACY, INC. d/b/a	:	
CVS PHARMACY, PHILADELPHIA	:	
PA CVS, INC., and	:	
PHILADELPHIA PA BUSINESS TRUST	:	

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( X )

May 28, 2021  
Date

Joel H. Feigenbaum, Esquire  
Attorney-at-law  
Attorney for Defendants

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Telephone

(215) 320-4765  
FAX Number

**E-Mail Address: [jfeigenbaum@postschell.com](mailto:jfeigenbaum@postschell.com)**

**(Civ. 660) 10/02**

**Civil Justice Expense and Delay Reduction Plan  
Section 1:03 - Assignment to a Management Track**

(a) The clerk of court will assign cases to tracks (a) through (d) based on the initial pleading.

(b) In all cases not appropriate for assignment by the clerk of court to tracks (a) through (d), the plaintiff shall submit to the clerk of court and serve with the complaint on all defendants a case management track designation form specifying that the plaintiff believes the case requires Standard Management or Special Management. In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

(c) The court may, on its own initiative or upon the request of any party, change the track assignment of any case at any time.

(d) Nothing in this Plan is intended to abrogate or limit a judicial officer's authority in any case pending before that judicial officer, to direct pretrial and trial proceedings that are more stringent than those of the Plan and that are designed to accomplish cost and delay reduction.

(e) Nothing in this Plan is intended to supersede Local Civil Rules 40.1 and 72.1, or the procedure for random assignment of Habeas Corpus and Social Security cases referred to magistrate judges of the court.

**SPECIAL MANAGEMENT CASE ASSIGNMENTS  
(See §1.02 (e) Management Track Definitions of the  
Civil Justice Expense and Delay Reduction Plan)**

Special Management cases will usually include that class of cases commonly referred to as "complex litigation" as that term has been used in the Manuals for Complex Litigation. The first manual was prepared in 1969 and the Manual for Complex Litigation Second, MCL 2d was prepared in 1985. This term is intended to include cases that present unusual problems and require extraordinary treatment. See §0.1 of the first manual. Cases may require special or intense management by the court due to one or more of the following factors: (1) large number of parties; (2) large number of claims or defenses; (3) complex factual issues; (4) large volume of evidence; (5) problems locating or preserving evidence; (6) extensive discovery; (7) exceptionally long time needed to prepare for disposition; (8) decision needed within an exceptionally short time; and (9) need to decide preliminary issues before final disposition. It may include two or more related cases. Complex litigation typically includes such cases as antitrust cases; cases involving a large number of parties or an unincorporated association of large membership; cases involving requests for injunctive relief affecting the operation of large business entities; patent cases; copyright and trademark cases; common disaster cases such as those arising from aircraft crashes or marine disasters; actions brought by individual

stockholders; stockholder's derivative and stockholder's representative actions; class actions or potential class actions; and other civil (and criminal) cases involving unusual multiplicity or complexity of factual issues. See §0.22 of the first Manual for Complex Litigation and Manual for Complex Litigation Second, Chapter 33.

**DESIGNATION FORM**

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: \_\_\_\_\_

Address of Defendant: \_\_\_\_\_

Place of Accident, Incident or Transaction: \_\_\_\_\_

**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ **is** / ☐ **is not** related to any case now pending or within one year previously terminated action in this court except as noted above.

Joel H. Feigenbaum

DATE: \_\_\_\_\_

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts  
☐ 2. FELA  
☐ 3. Jones Act-Personal Injury  
☐ 4. Antitrust  
☐ 5. Patent  
☐ 6. Labor-Management Relations  
☐ 7. Civil Rights  
☐ 8. Habeas Corpus  
☐ 9. Securities Act(s) Cases  
☐ 10. Social Security Review Cases  
☐ 11. All other Federal Question Cases  
(Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- ☐ 1. Insurance Contract and Other Contracts  
☐ 2. Airplane Personal Injury  
☐ 3. Assault, Defamation  
☐ 4. Marine Personal Injury  
☐ 5. Motor Vehicle Personal Injury  
☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_  
☐ 7. Products Liability  
☐ 8. Products Liability – Asbestos  
☐ 9. All other Diversity Cases  
(Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, \_\_\_\_\_, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

POST & SCHELL, P.C.  
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FOUR PENN CENTER, 13TH FLOOR  
1600 JOHN F. KENNEDY BLVD.  
PHILADELPHIA, PA 19103-2808  
215-587-1000

MARK LAWSON,

Plaintiff,

v.

CVS PHARMACY, INC. d/b/a CVS  
PHARMACY, PHILADELPHIA CVS, INC.,  
and PHILADELPHIA PA BUSINESS  
TRUST,

Defendants.

ATTORNEYS FOR DEFENDANTS,  
PENNSYLVANIA CVS PHARMACY,  
L.L.C. (I/P/A AS CVS PHARMACY, INC.  
D/B/A CVS PHARMACY AND  
PHILADELPHIA PA CVS, INC.) AND  
PHILADELPHIA PA BUSINESS TRUST

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF  
PENNSYLVANIA

No.

**DEFENDANTS, PENNSYLVANIA CVS PHARMACY, L.L.C. (I/P/A AS CVS  
PHARMACY, INC. D/B/A CVS PHARMACY AND PHILADELPHIA PA CVS, INC.)  
AND PHILADELPHIA PA BUSINESS TRUST'S  
PETITION FOR REMOVAL PURSUANT TO 28 U.S.C. §1332 AND U.S.C. §1441**

Defendants, Pennsylvania CVS Pharmacy, L.L.C. (i/p/a CVS Pharmacy, Inc. d/b/a CVS Pharmacy and Philadelphia PA CVS, Inc.) and Philadelphia PA Business Trust, by and through its attorneys, Post & Schell, P.C., hereby petitions to remove the above-captioned action, which is presently in the Court of Common Pleas, Philadelphia County, No. 210401995, pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441 *et seq.*, and in support thereof, avers as follows:

**I. NATURE OF ACTION**

1. This action arises out of an alleged trip and fall accident that occurred on April 30, 2019 in the parking lot of a CVS store located in Philadelphia, PA. See a true and correct copy of Plaintiff's Complaint attached hereto as Exhibit "A".

2. Plaintiff is a resident of Pennsylvania with an address of 1446 West 70<sup>th</sup> Avenue, Philadelphia, PA 19126. Id. at ¶1.

3. CVS Pharmacy, Inc. is a foreign corporation with a principal place of business located at One CVS Drive, Woonsocket, Rhode Island 02895. Id.<sup>1</sup>

4. Defendant, Pennsylvania CVS Pharmacy, L.L.C. is a Pennsylvania limited liability company with a business address of 6344 Senton Avenue, Philadelphia, Pennsylvania. See Affidavit of Melanie K. St Angelo attached hereto as Exhibit "C."

5. The sole member of Pennsylvania CVS Pharmacy, L.L.C. is CVS Pharmacy, Inc. Id.

6. Defendant, Philadelphia PA Business Trust is a Delaware corporation with a principal place of business located at 7850 NW 146<sup>th</sup> Street, 4<sup>th</sup> Floor, Miami Lakes, Florida 33016.<sup>2</sup>

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<sup>1</sup> The Pennsylvania Department of State confirms that Philadelphia PA CVS, Inc. is no longer an active corporation as it merged with CVS Pharmacy, Inc. – which maintains the business address identified by Plaintiff in his Complaint – in 1999. See a true and accurate copy of the Business Entity Details attached hereto as Exhibit "B".

<sup>2</sup> Plaintiff's Complaint incorrectly identifies Defendant, Philadelphia PA Business Trust's address as 6344 Senton Avenue, Philadelphia, Pennsylvania, the address of the CVS store. See Exhibit "A". The Pennsylvania Department of State confirms that Defendant, Philadelphia PA Business Trust is a foreign corporation. The lease between Philadelphia PA Business Trust and Pennsylvania CVS Pharmacy, LLC, which was controlling at the time and for the premises where Plaintiff allegedly fell, confirms Philadelphia PA Business Trust is a Delaware business trust with a principal business address in Miami Lakes, Florida. See a true and accurate copy of the Business Entity Details and a redacted copy of the Lease attached hereto as Exhibit "D".



7. Plaintiff alleges to have suffered “painful and severe injuries, which include, but are not limited to, disc herniation at T12-L1, disc bulge at L4-5, right knee internal derangement, lower extremity radiculopathies, cervical sprain and strain, lumbar strain and strain, right hip sprain and strain, and lower back sprain and strain.” Plaintiff also alleges to have incurred, *inter alia*, medical expenses and financial expenses, loss of earnings and impairment of earning power and capacity and claims to be prevented from performing his usual customary activities. See Exhibit “A” at ¶¶8-10.

8. Pursuant to Pennsylvania pleading rules, Plaintiff has also asserted that the alleged damages are in excess of the \$50,000 jurisdictional limits of a Board of Arbitrators. See Exhibit “A.”

## **II. PROCEDURAL HISTORY**

9. On April 22, 2021 Plaintiff filed a Complaint in the Philadelphia County Court of Common Pleas. See Exhibit “A”.

10. The Complaint was served on Defendant, Pennsylvania CVS Pharmacy, L.L.C. on April 30, 2021. See Certified Mail tracking information within Exhibit “A”; USPS Tracking History for Confirmation # 770191120000127947780.

11. Pursuant to 28 U.S.C. § 1446(b)(2)(B), Defendant shall have thirty (30) days after service of the Complaint – May 30, 2021 – to file a notice of removal.

12. This notice of removal, and related papers, has been filed within thirty (30) days of the date of service of the Complaint on Defendants and is, therefore, timely under 28 U.S.C. § 1446(b).

### **III. LEGAL ARGUMENT**

#### **A. THE ADVERSE PARTIES ARE COMPLETELY DIVERSE**

13. Pursuant to 28 U.S.C. § 1332, a matter may be removed to Federal Court based upon the diversity of citizenship of the parties.

14. Complete diversity of citizenship between the parties exists when “every plaintiff [is] of diverse state citizenship from every defendant.” In re Briscoe, 448 F.3d 201, 215 (3d Cir. 2006).

15. A corporation is considered to be a citizen of its state of incorporation and the state where it has its principal place of business. 28 U.S.C. § 1332(c).

16. Under the “nerve center” test adopted by the United States Supreme Court, a corporation’s principal place of business is the headquarters of the corporation, *i.e.* that “place where a corporation’s officers direct, control, and coordinate the corporation’s activities.” Hertz Corp. v. Friend, 559 U.S. 77, 92-93 (2010).

17. In addition, “the citizenship of an LLC is determined by the citizenship of each of its members.” Zambelli Fireworks Mfg. Co. v. Wood, 592 F.3d 412, 418 (3d Cir. 2010).

18. As stated above, as well as in the Complaint, Plaintiff is a resident of Pennsylvania.

19. The citizenship of CVS Pharmacy, Inc. (and Philadelphia PA CVS, Inc., which is an inactive merged corporation with CVS Pharmacy, Inc.) is Rhode Island. See Exhibits “B-C”.

20. Defendant, Pennsylvania CVS Pharmacy, L.L.C.’s sole member is CVS Pharmacy, Inc. As the sole member of the LLC, the citizenship of CVS Pharmacy, Inc. (Rhode Island) is used to determine the citizenship of Pennsylvania CVS Pharmacy, L.L.C.

21. The citizenship of Defendant, Philadelphia PA Business Trust is Delaware. See Exhibit “D”.

22. As a result, there is complete diversity of citizenship between the Plaintiff (Pennsylvania) and Defendants (Rhode Island and Delaware).

**B. THE AMOUNT IN CONTROVERSY EXCEEDS \$75,000**

23. Under 28 U.S.C. §1332(a), federal jurisdiction based on diversity of citizenship requires that the amount in controversy exceed \$75,000.

24. The amount in controversy is measured by the pecuniary value of the rights being litigated. Hunt v. Washington Apple Advertising Commission, 432 U.S. 333, 347, 53 L. Ed. 2d 383, 97 S. Ct. 2434 (1977).

25. “The amount in controversy is **not** measured by the low end of an open-ended claim, but rather by a reasonable reading of the value of the rights being litigated.” Angus v. Shiley, Inc., 989 F.2d 142, 146 (3d Cir. 1993), citing Hunt v. Washington State Apple Advertising Comm’n, 432 U.S. 333, 347 (1977)[emphasis added].

26. The Court must find that the amount in controversy requirement has been satisfied when a reasonable jury could value the plaintiff’s losses at an amount above the jurisdictional minimum. Id.; see also Corwin Jeep Sales & Service v. American Motors Sales Corp., 670 F. Supp. 591, 596 (M.D. Pa. 1986)(finding amount in controversy requirement met when the court could not “find to a legal certainty that the parties’ respective rights under the franchise agreement are worth less than the jurisdictional minimum.”).

27. In this case, Plaintiff alleges to have suffered “painful and severe injuries, which include, but are not limited to, disc herniation at T12-L1, disc bulge at L4-5, right knee internal derangement, lower extremity radiculopathies, cervical sprain and strain, lumbar strain and strain, right hip sprain and strain, and lower back sprain and strain.” Plaintiff also alleges to have incurred, *inter alia*, medical expenses and financial expenses, loss of earnings and impairment of

earning power and capacity and claims to be prevented from performing his usual customary activities. See Exhibit “A” at ¶¶8-10.

28. While Defendant disputes Plaintiff’s allegations, considering the damages claimed by Plaintiff, if taken to be true, a reasonable jury could value Plaintiff’s losses at an amount in excess of the \$75,000 amount in controversy minimum.

#### **IV. CONCLUSION**

29. Therefore, with both the existence of diversity of citizenship between the parties and the amount in controversy threshold having been satisfied, removal is proper under 28 U.S.C. §§ 1332 and 1441.

**WHEREFORE**, Defendants, Pennsylvania CVS Pharmacy, L.L.C. (i/p/a CVS Pharmacy, Inc. d/b/a CVS Pharmacy and Philadelphia PA CVS, Inc.) and Philadelphia PA Business Trust, respectfully requests that this Honorable Court find this case to have been properly removed and assume full jurisdiction of this matter.

Respectfully submitted,

**POST & SCHELL, P.C.**



**BY:**

**DATED:** May 27, 2021

---

CHARLES W. SPITZ, ESQUIRE  
JOEL H. FEIGENBAUM, ESQUIRE  
Attorneys for DEFENDANT,  
PENNSYLVANIA CVS PHARMACY, L.L.C.  
(i/p/a CVS Pharmacy, Inc. d/b/a CVS Pharmacy  
and Philadelphia PA CVS, Inc.) and  
PHILADELPHIA PA BUSINESS TRUST

**CERTIFICATE OF SERVICE**

JOEL H. FEIGENBAUM, ESQUIRE hereby states that a true and correct copy of the foregoing Petition for Removal to be electronically filed with the Court and served electronically by the Court upon counsel of record in addition to being sent by electronic mail to jsolnick@solnicklawyers.com.

**POST & SCHELL, P.C.**



**BY:**

**DATED:** May 27, 2021

---

CHARLES W. SPITZ, ESQUIRE  
JOEL H. FEIGENBAUM, ESQUIRE  
Attorneys for DEFENDANT,  
PENNSYLVANIA CVS PHARMACY, L.L.C.  
(i/p/a CVS Pharmacy, Inc. d/b/a CVS Pharmacy  
and Philadelphia PA CVS, Inc.)  
and PHILADELPHIA PA BUSINESS TRUST

**EXHIBIT A**



**Solnick & Associates, LLC**  
Attorneys at Law

---

JAY L. SOLNICK | Partner  
jsolnick@solnicklawyers.com

April 23, 2021

***Via Certified Mail***

Philadelphia PA CVS, Inc.  
One CVS Drive  
Woonsocket, RI 02895

**Re: Mark Lawson v. CVS Pharmacy, Inc. d/b/a CVS Pharmacy, et al**  
**Philadelphia CCP; April Term 2021 No. 1995**  
**Our File No. 1905007**

To whom it may concern:

Enclosed please find a copy of a Complaint that has been filed in the Court of Common Pleas of Philadelphia County, Pennsylvania, which identifies you as a Defendant. This Complaint is being served on you pursuant to Pennsylvania Rules of Civil Procedure 403 and 404. I suggest that you turn these papers over to your insurance carrier upon receipt.

Very truly yours,



JAY L. SOLNICK

JLS/ks  
Enclosures

Court of Common Pleas of Philadelphia County  
Trial Division**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)	
<b>APRIL 2021</b>	<b>001995</b>
E-Filing Number: 2104044229	
PLAINTIFF'S NAME MARK LAWSON	DEFENDANT'S NAME CVS PHARMACY, INC. , ALIAS: D/B/A CVS PHARMACY
PLAINTIFF'S ADDRESS 1446 WEST 70TH AVENUE PHILADELPHIA PA 19126	DEFENDANT'S ADDRESS 6344 STENTON AVEUNE PHILADELPHIA PA 19138
PLAINTIFF'S NAME	DEFENDANT'S NAME PHILADELPHIA PA CVS, INC.
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS ONE CVS DRIVE WOONSCOKET RI 02895
PLAINTIFF'S NAME	DEFENDANT'S NAME PHILADELPHIA PA BUSINESS TRUST
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS 6344 STENTON AVEUNE PHILADELPHIA PA 19138
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 3
COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Other: _____
CASE TYPE AND CODE 20 - PERSONAL INJURY - OTHER	
STATUTORY BASIS FOR CAUSE OF ACTION	
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)	
<div style="text-align: center;"> <b>FILED</b>  <b>PRO PROTHY</b>  <b>APR 22 2021</b>  <b>S. RICE</b> </div>	
IS CASE SUBJECT TO COORDINATION ORDER? YES    NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>MARK LAWSON</u> Papers may be served at the address set forth below.	
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY JAY L. SOLNICK	ADDRESS SOLNICK & ASSOCIATES, LLC 1448 MUNDOK ROAD DRESHER PA 19025
PHONE NUMBER (215) 481-9979	FAX NUMBER (215) 481-9980
SUPREME COURT IDENTIFICATION NO. 74109	E-MAIL ADDRESS jsolnick@solnicklawyers.com
SIGNATURE OF FILING ATTORNEY OR PARTY JAY SOLNICK	DATE SUBMITTED Thursday, April 22, 2021, 04:11 pm



**SOLNICK & ASSOCIATES, LLC**  
**BY: JAY L. SOLNICK, ESQUIRE**  
**ATTORNEY I.D. NO. 74109**  
**BY: ALISA THAMMAVONG, ESQUIRE**  
**ATTORNEY I.D. NO. 327690**  
**THE PAVILION, SUITE 718**  
**261 OLD YORK ROAD**  
**JENKINTOWN, PA 19046**  
**215-481-9979**  
[jsolnick@solnicklawyers.com](mailto:jsolnick@solnicklawyers.com)  
[athammavong@solnicklawyers.com](mailto:athammavong@solnicklawyers.com)

**MARK LAWSON**  
**1446 West 70<sup>th</sup> Avenue**  
**Philadelphia, PA 19126**

**Plaintiff**

**v.**  
**CVS PHARMACY, INC. d/b/a**  
**CVS PHARMACY**  
**6344 Stenton Avenue**  
**Philadelphia, PA 19138**  
**and**  
**PHILADELPHIA PA CVS, INC.**  
**One CVS Drive**  
**Woonsocket, RI 02895**  
**and**  
**PHILADELPHIA PA BUSINESS TRUST**  
**6344 Stenton Avenue**  
**Philadelphia, PA 19138**

**Defendants**

**ATTORNEYS FOR PLAINTIFF**  
*Filed and Attested by the*  
*Office of Judicial Records*  
*22 APR 2021 04:11 pm*  
**AN ASSESSMENT OF DAMAGES**  
**HEARING IS REQUIRED.**

**: COURT OF COMMON PLEAS**  
**: PHILADELPHIA COUNTY**

**: \_\_\_\_\_ TERM, 2021**

**: NO. \_\_\_\_\_**

**COMPLAINT - CIVIL ACTION**  
**20 - OTHER PERSONAL INJURY**

"NOTICE"

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION  
Lawyer Referral and Information Service  
One Reading Center  
Philadelphia, PA 19107  
Phone: (215) 238-1701

"AVISO"

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion hace falta asentar una comparencia escrita en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra a de su persona. Sea avisado que si usted no se defiende la corte tomara medidas y puede continuar las demanda en contra suya sin previo aviso o notificacion. Ademas la corte puede decidir a favor del demandante y requiere que usted cumpla as las provisiones de esta demanda. Usted puede dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE LICENCIADOS DE FILADELFIA  
Servicio De Refencia E Informacion Legal  
One Reading Center  
Filadelfia, Pennsylvania 19107  
Telefono: (215) 238-1701

**ATTORNEYS FOR PLAINTIFFS**

**SOLNICK & ASSOCIATES, LLC**  
**BY: JAY L. SOLNICK, ESQUIRE**  
**ATTORNEY I.D. NO. 74109**  
**BY: ALISA THAMMAVONG, ESQUIRE**  
**ATTORNEY I.D. NO. 327690**  
**THE PAVILION, SUITE 718**  
**261 OLD YORK ROAD**  
**JENKINTOWN, PA 19046**  
**215-481-9979**  
[jsolnick@solnicklawyers.com](mailto:jsolnick@solnicklawyers.com)  
[athammavong@solnicklawyers.com](mailto:athammavong@solnicklawyers.com)

**THIS IS AN ARBITRATION CASE.**

**AN ASSESSMENT OF DAMAGES  
HEARING IS REQUIRED.**

**MARK LAWSON**  
**1446 West 70<sup>th</sup> Avenue**  
**Philadelphia, PA 19126**

**Plaintiff**

**v.**

**CVS PHARMACY, INC. d/b/a**  
**CVS PHARMACY**  
**6344 Stenton Avenue**  
**Philadelphia, PA 19138**

**and**

**PHILADELPHIA PA CVS, INC.**  
**One CVS Drive**  
**Woonsocket, RI 02895**

**and**

**PHILADELPHIA PA BUSINESS TRUST**  
**6344 Stenton Avenue**  
**Philadelphia, PA 19138**

**Defendants**

**: COURT OF COMMON PLEAS**  
**: PHILADELPHIA COUNTY**

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**COMPLAINT - CIVIL ACTION**  
**20 – OTHER PERSONAL INJURY**

1. Plaintiff, Mark Lawson, is an adult individual who resides at the address indicated in the above caption.

2. Defendant, CVS Pharmacy, Inc. d/b/a CVS Pharmacy (“CVS”), is a business entity which is, upon information and belief, licensed and authorized to conduct business in the

Commonwealth of Pennsylvania with a place of business at the address indicated in the above caption.

3. Defendant, Philadelphia PA CVS, Inc., is a business entity which is, upon information and belief, licensed and authorized to conduct business in the Commonwealth of Pennsylvania with headquarters and/or a principal place of business at the address indicated in the above caption.

4. Defendant, Philadelphia PA Business Trust, is a business entity which is, upon information and belief, licensed and authorized to conduct business in the Commonwealth of Pennsylvania with a place of business at the address indicated in the above caption.

5. At all times material hereto, Defendants, CVS, Philadelphia PA CVS, Inc. and/or Philadelphia PA Business Trust owned, operated, possessed, controlled, maintained, supervised, leased, managed, and/or were otherwise responsible for a retail establishment/pharmacy and the property located at 6344 Stenton Avenue in Philadelphia, Pennsylvania including, in particular, the parking lot area (hereinafter “the Premises”).

6. Any acts or omissions alleged herein to have been committed or omitted by Defendants were committed or omitted by and through Defendants’ respective agents, servants, employees, and/or contractors acting within the course and scope of their employment and/or authority for and on behalf of Defendants.

7. On April 30, 2019, at approximately 9:00 p.m., Plaintiff, Mark Lawson, was a business invitee lawfully when he was caused to trip and fall after stepping into a “pothole” in the parking lot of the Premises which represented a dangerous and defective condition.

8. As a direct and proximate result of the foregoing incident and Defendant’s negligence and carelessness, Plaintiff, Mark Lawson, sustained painful and severe injuries which

include, but are not limited to, disc herniation at T12-L1, disc bulge at L4-L5, right knee internal derangement, lower extremity radiculopathies, cervical sprain and strain, lumbar sprain and strain, right hip sprain and strain, and lower back sprain and strain.

9. As a direct and proximate result of the foregoing incident and Defendant's negligence and carelessness, Plaintiff, Mark Lawson, has suffered great physical pain and mental suffering, emotional distress, inconvenience in carrying out his daily activities, a loss of life's pleasures and enjoyment, a loss of earnings and earning capacity, and he may suffer pain and inconvenience into the future.

10. As a direct and proximate result of the foregoing incident and Defendant's negligence and carelessness, Plaintiff, Mark Lawson, has been compelled to undergo otherwise unnecessary medical treatment and to incur miscellaneous medical expenses in an effort to restore himself to health and he may be forced to incur additional medical expenses in the future.

11. As a direct and proximate result of the foregoing incident and Defendant's negligence and carelessness, Plaintiff, Mark Lawson, continues to suffer pain and limitation and, therefore, avers that his injuries may be of a permanent nature, causing residual problems into the future.

**COUNT I - NEGLIGENCE**  
**PLAINTIFF, MARK LAWSON, v. DEFENDANT, CVS**

12. Plaintiff hereby incorporates the averments of Paragraph 1 through 11 of this Complaint as though fully set forth at length.

13. The foregoing incident and all of the injuries and damages set forth herein sustained by Plaintiff, Mark Lawson, were the direct and proximate result of the negligence and carelessness of Defendant, CVS, as follows:

- a. Failing to maintain the Premises in a safe condition;

- b. Failing to take adequate precautions to assure that individuals lawfully on the Premises would not be subject to injury;
- c. Failing to warn pedestrians and those lawfully on the Premises of the dangerous and defective condition existing on the Premises;
- d. Failing to exercise due care to protect Plaintiff and others similarly situated from personal injuries caused by the dangerous and defective condition on the Premises;
- e. Failing to properly and adequately inspect and supervise the Premises in order to locate and correct dangerous and defective conditions such as that which caused injury to Plaintiff;
- f. Failing to correct the dangerous and defective condition of the Premises;
- g. Failing to assure that the Premises were designed and/or built in a condition safe for pedestrians and others lawfully on the Premises;
- h. Failing to properly select, instruct and/or supervise their agents, servants, employees, and/or contractors in the proper maintenance and repair of the Premises;
- i. Failing to repair and/or replace the parking lot;
- j. Improper repair;
- k. Failing to remove the dangerous condition;
- l. Failing to warn;
- m. Failing to inspect and maintain the Premises; and
- n. Allowing a dangerous and defective condition to exist on the Premises.

14. As a direct and proximate result of the foregoing incident, and the negligence and carelessness of Defendant, CVS, Plaintiff, Mark Lawson, sustained the injuries and suffered the damages described in paragraphs 8 through 11, *supra*.

WHEREFORE, Plaintiff, Mark Lawson, demands judgment against Defendant, CVS Pharmacy, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), plus interest, costs, and any other relief which this Honorable Court may deem just and fair.

**COUNT II - NEGLIGENCE**  
**PLAINTIFF, MARK LAWSON, v. DEFENDANT, PHILADELPHIA PA CVS, INC.**

15. Plaintiff hereby incorporates the averments of Paragraph 1 through 14 of this Complaint as though fully set forth at length.

16. The foregoing incident and all of the injuries and damages set forth herein sustained by Plaintiff, Mark Lawson, were the direct and proximate result of the negligence and carelessness of Defendant, Philadelphia PA CVS, Inc., as follows:

- a. Failing to maintain the Premises in a safe condition;
- b. Failing to take adequate precautions to assure that individuals lawfully on the Premises would not be subject to injury;
- c. Failing to warn pedestrians and those lawfully on the Premises of the dangerous and defective condition existing on the Premises;
- d. Failing to exercise due care to protect Plaintiff and others similarly situated from personal injuries caused by the dangerous and defective condition on the Premises;
- e. Failing to properly and adequately inspect and supervise the Premises in order to locate and correct dangerous and defective conditions such as that which caused injury to Plaintiff;
- f. Failing to correct the dangerous and defective condition of the Premises;
- g. Failing to assure that the Premises were designed and/or built in a condition safe for pedestrians and others lawfully on the Premises;
- h. Failing to properly select, instruct and/or supervise their agents, servants, employees, and/or contractors in the proper maintenance and repair of the Premises;
- i. Failing to repair and/or replace the parking lot;

- j. Improper repair;
- k. Failing to remove the dangerous condition;
- l. Failing to warn;
- m. Failing to inspect and maintain the Premises; and
- n. Allowing a dangerous and defective condition to exist on the Premises.

17. As a direct and proximate result of the foregoing incident, and the negligence and carelessness of Defendant, Philadelphia PA CVS, Inc., Plaintiff, Mark Lawson, sustained the injuries and suffered the damages described in paragraphs 8 through 11, *supra*.

WHEREFORE, Plaintiff, Mark Lawson, demands judgment against Defendant, Philadelphia PA CVS, Inc., in an amount in excess of Fifty Thousand Dollars (\$50,000.00), plus interest, costs, and any other relief which this Honorable Court may deem just and fair.

**COUNT III - NEGLIGENCE**  
**PLAINTIFF, MARK LAWSON, v. DEFENDANT, PHILADELPHIA PA BUSINESS TRUST**

18. Plaintiff hereby incorporates the averments of Paragraph 1 through 17 of this Complaint as though fully set forth at length.

19. The foregoing incident and all of the injuries and damages set forth herein sustained by Plaintiff, Mark Lawson, were the direct and proximate result of the negligence and carelessness of Defendant, Philadelphia PA Business Trust, as follows:

- a. Failing to maintain the Premises in a safe condition;
- b. Failing to take adequate precautions to assure that individuals lawfully on the Premises would not be subject to injury;
- c. Failing to warn pedestrians and those lawfully on the Premises of the dangerous and defective condition existing on the Premises;
- d. Failing to exercise due care to protect Plaintiff and others similarly situated from personal injuries caused by the dangerous and defective condition on the Premises;



- e. Failing to properly and adequately inspect and supervise the Premises in order to locate and correct dangerous and defective conditions such as that which caused injury to Plaintiff;
- f. Failing to correct the dangerous and defective condition of the Premises;
- g. Failing to assure that the Premises were designed and/or built in a condition safe for pedestrians and others lawfully on the Premises;
- h. Failing to properly select, instruct and/or supervise their agents, servants, employees, and/or contractors in the proper maintenance and repair of the Premises;
- i. Failing to repair and/or replace the parking lot;
- j. Improper repair;
- k. Failing to remove the dangerous condition;
- l. Failing to warn;
- m. Failing to inspect and maintain the Premises; and
- n. Allowing a dangerous and defective condition to exist on the Premises.

20. As a direct and proximate result of the foregoing incident, and the negligence and carelessness of Defendant, Philadelphia PA Business Trust, Plaintiff, Mark Lawson, sustained the injuries and suffered the damages described in paragraphs 8 through 11, *supra*.

WHEREFORE, Plaintiff, Mark Lawson, demands judgment against Defendant, Philadelphia PA Business Trust, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), plus interest, costs, and any other relief which this Honorable Court may deem just and fair.

**SOLNICK & ASSOCIATES, LLC**

BY: /s/ Jay L. Solnick  
**JAY L. SOLNICK, ESQUIRE**  
**ALISA THAMMAVONG, ESQUIRE**  
**Attorneys for Plaintiff**



**VERIFICATION**

I, Jay L. Solnick, Esquire, hereby verify that I am counsel for the Plaintiff in the foregoing matter and that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand the statements therein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

**/s/ Jay L. Solnick**  
**JAY L. SOLNICK, ESQUIRE**

Solnick & Associates, LLC  
1448 Mundock Road  
Dresher, PA 19025  
Attn: KS



1000

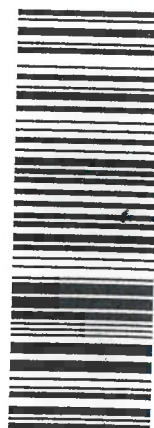


02895

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**CERTIFIED MAIL®**



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Philadelphia PA CVS, Inc.  
One CVS Drive  
Woonsocket, RI 02895

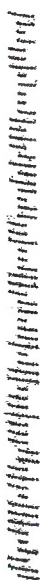
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Forms ▼

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## Order Business Documents

**Date:** 05/19/2021

### Business Name History

Name	Name Type
PHILADELPHIA PA CVS, INC.	Current Name

### Business Entity Details Officers

Name	PHILADELPHIA PA CVS, INC.
Entity Number	2862631
Entity Type	Business Corporation
Status	Merged
Citizenship	Domestic
Entity Creation Date	02/23/1999
Effective Date	02/23/1999
State Of Inc	PA
Address	%CT Corporation System Philadelphia

Name	CAROL A DENALE
Title	TREASURER
Address	ONE CVS DRIVE WOONSOCKET RI 02895

Name	CAROL A DENALE
Title	VICEPRESIDENT
Address	ONE CVS DRIVE WOONSOCKET RI 02895

Name	THOMAS S MOFFATT
Title	SECRETARY
Address	ONE CVS DRIVE WOONSOCKET RI 02895

Name	ZENON P LANKOWSKY
Title	PRESIDENT
Address	ONE CVS DRIVE WOONSOCKET RI 02895

**Filed Documents**

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## **EXHIBIT C**

MARK LAWSON,

Plaintiff,

v.

CVS PHARMACY, INC. d/b/a CVS PHARMACY,  
PHILADELPHIA CVS, INC., and PHILADELPHIA PA  
BUSINESS TRUST,

Defendants.

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

No.

**AFFIDAVIT OF MELANIE K. ST ANGELO**

BEFORE ME, the undersigned Notary, on this day personally appeared Melanie K. St Angelo, and being by me first duly sworn, on her oath, states as follows:

1. My name is Melanie K. St Angelo, I am over the age of twenty-one and have personal knowledge of the information set forth in this Affidavit. This Affidavit is submitted in support of Defendant, Pennsylvania CVS Pharmacy, L.L.C. (i/p/a CVS Pharmacy, Inc. d/b/a CVS Pharmacy and Philadelphia PA CVS, Inc.) Petition for Removal.

2. I am the Sr. Manager and Assistant Secretary of CVS Pharmacy, Inc.

3. At the time of the incident alleged in the Complaint, and presently, CVS Pharmacy, Inc. is a foreign corporation with its principal place of business located at One CVS Drive, Woonsocket, Rhode Island 02895.

4. Pennsylvania CVS Pharmacy, L.L.C. is a Pennsylvania limited liability company with a business address of 6344 Senton Avenue, Philadelphia, Pennsylvania.

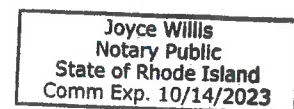
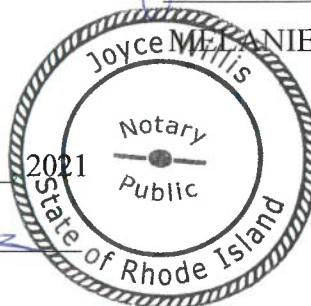
5. CVS Pharmacy, Inc. is the sole managing member of Pennsylvania CVS Pharmacy, L.L.C.

6. Philadelphia PA CVS, Inc. is an inactive corporation that merged with Pennsylvania CVS Pharmacy, L.L.C.

Sworn to before me this

May the day of 28

NOTARY PUBLIC



**EXHIBIT D**



Corporations ▾

Search Business Entities (corpsearch.aspx)

Search UCC Transactions (uccsearch.aspx)

Forms ▾

Contact Corporations (<http://www.dos.pa.gov/BusinessCharities/Pages/default.aspx>)Login (<https://hub.business.pa.gov/login>)Search entity / Select entity / **Order documents**

## Order Business Documents



Date: 05/19/2021

### Business Name History

Name	Name Type
PHILADELPHIA PA BUSINESS TRUST	Current Name

### Business Entity Details Officers

Name	PHILADELPHIA PA BUSINESS TRUST
Entity Number	2768227
Entity Type	Business Corporation
Status	Active
Citizenship	Foreign
Entity Creation Date	07/30/1997
Effective Date	07/30/1997
State Of Inc	DE
Address	%CORPORATE CREATIONS NETWORK INC. Erie

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